

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

CASE NO. 2:22-cr-00180-LK

Plaintiff,

ORDER GRANTING MOTION TO SEAL

GLAUCO GUARDADO RODRIGUEZ,

Defendant.

This matter comes before the Court on the Government's unopposed motion to seal Exhibit A, its sentencing memorandum. Dkt. No. 351. The Government states that Exhibit A (sheets) contains "the contents of judicially authorized interception of wire and oral communications," including communications from individuals who have not been charged in this case, and 18 U.S.C. § 2517 "requires that these wiretap interceptions be sealed and remain so sealed under narrowly defined circumstances, including while giving testimony under oath." *Id.* See also Dkt. No. 353 (sealed Exhibit A).

“Historically, courts have recognized a ‘general right to inspect and copy public records and documents, including judicial records and documents.’” *Kamakana v. City & Cnty. of Denver*, 112 P.3d 113, 117 (Colo. 2005).

1 *Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (quoting *Nixon v. Warner Commc'ns, Inc.*, 435
2 U.S. 589, 597 & n.7 (1978)). However, Section 2517 limits when information collected from
3 wiretapping may be disclosed. Courts in the Ninth Circuit have interpreted the statutory provisions
4 as “prohibiting the public disclosure of [wiretapping] material until after it has been admitted into
5 evidence in a criminal trial or at a suppression hearing.” *United States v. Rand*, No. 3:16-cr-00029-
6 MMD-WGC, 2016 WL 6208265, at *3 (D. Nev. Oct. 24, 2016); *see also United States v. Kwok*
7 *Cheung Chow*, No. 14-cr-00196-CRB (JCS), 2015 WL 5094744, at *3 (N.D. Cal. Aug. 28, 2015)
8 (“Courts have generally held that in light of Title III’s purpose of safeguarding privacy, the
9 statute’s list of permissible disclosures is exclusive—in other words, ‘what is not permitted [under
10 § 2517] is forbidden.’” (quoting *United States v. Dorfman*, 690 F.2d 1230, 1234 (7th Cir. 1982))).

11 The Court has reviewed the document at issue, which comprises the contents of judicially-
12 authorized interceptions of wire and oral communications, including communications with
13 individuals who have not been charged in this matter. Dkt. No. 353. Redaction is not a feasible
14 alternative to sealing. The Court finds that the document may remain under seal pursuant to 18
15 U.S.C. § 2517. *See Kwok Cheung Chow*, 2015 WL 5094744, at *7.

16 The Court therefore GRANTS the motion to seal. Dkt. No. 351. Exhibit A may remain
17 under seal. Dkt. No. 353.

18 Dated this 1st day of November, 2024.

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20 Lauren King
21 United States District Judge
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